

REMARKS / ARGUMENTS

Claim 3 is amended to correct its dependency.

The rejection of claims 1, 3 and 7-9 under 35 USC 103(a) is maintained. Applicants request reconsideration and withdrawal of this rejection for the reasons that follow.

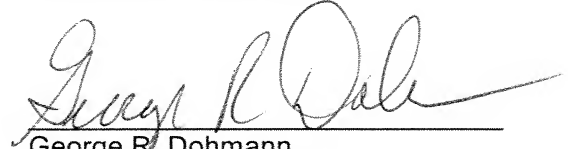
In maintaining the rejection, the Examiner rejects the arguments made in the previous response, which is here incorporated by reference, that the greater than additive effect demonstrated in Table 1C was unexpected. The Examiner cites Grant to support the proposition that synergy between imatinib and an HDAC inhibitor is not unexpected. However, at best, Grant would lead one of skill to combine various classes of targeted cancer therapies with the expectation that an additive, rather than an antagonistic, effect would be seen. No data is cited that would lead one of skill to expect a greater than additive effect when imatinib is combined with an HDAC inhibitor. Without data to demonstrate such an effect, one of skill would understand that any such suggestion is merely speculation based on a reasonable hypothesis. However, the hypothesis would have to be tested over and over before one would begin to expect to see a greater than additive effect when two classes of cancer therapeutics are combined. Therefore, Applicants assert that the greater than additive effect demonstrated in Table 1C could not have been predicted from Grant and that this data demonstrates the patentability of the presently claimed invention.

Applicants also point out that the term "synergy" is sometimes used to describe an effect that is not antagonistic where a benefit is obtained from the combination that is greater than either agent individually, but less than the sum of effect of the individual agents. It is not clear how Grant is using "synergy." However, in Table 1C synergy is a greater than additive effect. Applicants assert that this greater than additive effect could not have been predicted by the cited art.

Applicants request withdrawal of the rejection under 35 USC 103(a) for the reasons discussed above.

Entry of this amendment and reconsideration and allowance of the claims are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "George R. Dohmann", written over a horizontal line.

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Date: November 19, 2008